IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7729 OF 2005

1.Shri Mahadeo H.Patil & Ors. .. Petitioners

Vs.

Shri Prakash B.Kesarkar ..Respondent

Mr.Nilesh Patil for the petitioners

Mr.T.S.Ingale for respondent no.1 to 6

CORAM : S.U.KAMDAR, J
DATED : 19TH DECEMBER, 2005

P.C.:

1. The present petition challenges the order dt.16.7.05 by which the Revision Application passed by the Additional Collector, Kolhapur in RTS/II/Appeal No.40 of 1996 has been dismissed. The finding given by the Addl.Collector in the impugned order is that the petitioners are not in possession of the said property. It has also been pointed out that the petitioners are claiming possession from 1968 and have given application for entering their name in cultivation column only in 1994-95 which is almost after 20 to 25 years. Apart from the same, Collector has no other proof of possession of the petitioner. The two documents on which reliance has been placed are the

statements of the neighbouring petitioners that the petitioners are cultivating the suit property since more than 20 years whereas the application given was entering their name in cultivation column was in the year 1994-95. Collector has therefore contended that it is not possible to hold that the petitioners are in possession of the property.The order of Additional Collector cannot be interfered with in writ jurisdiction by reappreciating the evidence.

2. The learned counsel for respondent no.1 to 6 has drawn my attention that the petitioners has also filed suit for permanent injunction restraining respondents from interfering with his possession in the said suit. An Application was taken out for temporary injunction which has been dismissed. In that light of the matter, it is not possible to interfere with the impugned order passed by the Additional Collector and the petition accordingly fails. The same is dismissed.